

1 KESSLER TOPAZ MELTZER
2 & CHECK, LLP
3 RAMZI ABADOU (Bar No. 222567)
4 ELI R. GREENSTEIN (Bar No. 217945)
5 STACEY M. KAPLAN (Bar No. 241989)
6 ERIK D. PETERSON (Bar No. 257098)
7 One Sansome Street, Suite 1850
8 San Francisco, CA 94104
9 Tel: (415) 400-3000
10 Fax: (415) 400-3001
11 rabadou@ktmc.com
12 egreenstein@ktmc.com
13 skaplan@ktmc.com
14 epeterson@ktmc.com

15 KAPLAN FOX & KILSHEIMER LLP
16 LAURENCE D. KING (Bar No. 206423)
17 MARIO M. CHOI (Bar No. 243409)
18 350 Sansome Street, Suite 400
19 San Francisco, CA 94104
20 Tel: (415) 772-4700
21 Fax: (415) 772-4707
22 lking@kaplanfox.com
23 mchoi@kaplanfox.com

24 *Attorneys for Lead Plaintiffs Arkansas
25 Teacher Retirement System, Första-AP
26 Fonden and Danske Invest Management A/S*

27 BERNSTEIN LITOWITZ BERGER
28 & GROSSMANN LLP
1 DAVID R. STICKNEY (Bar No. 188574)
2 BENJAMIN GALDSTON (Bar No. 211114)
3 12481 High Bluff Drive, Suite 300
4 San Diego, CA 92130
5 Tel: (858) 793-0070
6 Fax: (858) 793-0323
7 davids@blbglaw.com
8 beng@blbglaw.com

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14
15
16
17
18
19
20 IN RE SUNPOWER SECURITIES
21 LITIGATION

22 Case No. CV 09-5473-RS (JSC)
23 (Consolidated)

24 **CLASS ACTION**

25 **PLAINTIFFS' RENEWED
26 ADMINISTRATIVE MOTION TO FILE
27 UNDER SEAL PORTIONS OF THEIR
28 MOTION TO COMPEL PRODUCTION
OF DOCUMENTS RESPONSIVE TO
FIRST SET OF DOCUMENT
REQUESTS AND CERTAIN
DOCUMENTS SUBMITTED IN
SUPPORT THEREOF**

1 On August 23, 2012, the Court denied without prejudice Plaintiffs' Administrative
 2 Request to File Under Seal Their Motion to Compel Production of Documents Responsive to
 3 First Set of Document Requests and Certain Documents Submitted in Support Thereof.
 4 Docket No. 202. Pursuant to Civil Local Rules 7-11 and 79-5(d), General Order No. 62, this
 5 Court's Civil Standing Order ("Standing Order") and the Stipulated Protective Order
 6 Governing Confidentiality entered on August 20, 2012 (the "Protective Order") (Docket No.
 7 197), Plaintiffs respectfully submit this Renewed Administrative Motion to File Under Seal
 8 Portions of Their Motion to Compel Production of Documents Responsive to First Set of
 9 Document Requests and Certain Documents Submitted in Support Thereof ("Administrative
 10 Motion").

11 Plaintiffs' Motion to Compel Production of Documents Responsive to First Set of
 12 Document Requests ("Motion to Compel") contains information from documents produced by
 13 Defendants and non-party PricewaterhouseCoopers LLP ("PwC") that Defendants have
 14 designated as "confidential" pursuant to the Protective Order.¹ *See* Docket No. 197. In
 15 addition, Exhibits 1, 3, 9, 12, 14, 16, 21-25, 27 and 28 to the Declaration of Erik D. Peterson in
 16 Support of Plaintiffs' Motion to Compel Production of Documents Responsive to First Set of
 17 Document Requests ("Peterson Declaration") were designated as "confidential" by Defendants
 18 or contain information from documents Defendants designated as "confidential." The
 19 remaining Exhibits to the Peterson Declaration, Exhibits 2, 4-8, 10-11, 13, 15, 17-20, 26 and
 20 29, are not requested to be filed under seal. Pursuant to the Civil Standing Order, the proposed
 21 public redacted version of Plaintiffs' Motion to Compel, the Peterson Declaration and Exhibits
 22 that do not contain information designated as "confidential" are attached as Exhibit A. *See*
 23 Standing Order at 2.

24 Accordingly, Plaintiffs are filing and serving this Administrative Motion on Defendants
 25 and PwC to give the designating parties an opportunity to "file with the Court and serve a
 26 declaration establishing that the designated information is sealable, and [] lodge and serve a
 27

28 ¹ PwC consented to Defendants' designation of PwC's documents as confidential.

1 narrowly tailored proposed sealing order, or [] withdraw the designation of confidentiality.”
 2 See Civil Local Rule 79-5(d); *see also* Protective Order, §11; Docket No. 202 at 2:2-5;
 3 Standing Order at 3.

4 Pursuant to General Order No. 62, the complete, unredacted versions of the Motion to
 5 Compel and the Peterson Declaration will be lodged with the Court for in camera review and
 6 served on Defendants and PwC.

7 Dated: August 24, 2012

Respectfully submitted,

8
 9 KESSLER TOPAZ MELTZER
 & CHECK, LLP

10
 11 /s/ Erik D. Peterson
 12 RAMZI ABADOU
 13 ELI R. GREENSTEIN
 14 STACEY M. KAPLAN
 15 ERIK D. PETERSON
 16 One Sansome Street, Suite 1850
 17 San Francisco, CA 94104
 18 Tel: (415) 400-3000
 19 Fax: (415) 400-3001

20
 21 KAPLAN FOX & KILSHEIMER LLP
 22 LAURENCE D. KING
 23 MARIO M. CHOI
 24 350 Sansome Street, Suite 400
 25 San Francisco, CA 94104
 26 Tel: (415) 772-4700
 27 Fax: (415) 772-4707

28 -and-

29
 30 FREDERIC S. FOX (*pro hac vice*)
 31 JOEL B. STRAUSS (*pro hac vice*)
 32 CHRISTINE M. FOX (*pro hac vice*)
 33 850 Third Avenue, 14th Floor
 34 New York, NY 10022
 35 Tel: (212) 687-1980
 36 Fax: (212) 687-7714
 37 ffox@kaplanfox.com
 38 jstrauss@kaplanfox.com
 39 cfox@kaplanfox.com

40
 41 BERNSTEIN LITOWITZ BERGER
 42 & GROSSMANN LLP
 43 DAVID R. STICKNEY
 44 BENJAMIN GALDSTON
 45 DAVID R. KAPLAN
 46 LAWRENCE REZA WRATHALL

1 12481 High Bluff Drive, Suite 300
2 San Diego, CA 92130
3 Tel: (858) 793-0070
4 Fax: (858) 793-0323

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
12481 High Bluff Drive, Suite 300
San Diego, CA 92130
Tel: (858) 793-0070
Fax: (858) 793-0323
Attorneys for Lead Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 24, 2012.

/s/ Erik D. Peterson
ERIK D. PETERSON

Mailing Information for a Case 3:09-cv-05473-RS

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Ramzi Abadou**
rabadou@ktmc.com,knguyen@ktmc.com,arobles@ktmc.com
- **George Carlos Aguilar**
GAguilar@robbinsumeda.com,Notice@robbinsumeda.com
- **Jaime Allyson Bartlett**
jbartlett@sidley.com,dgiusti@sidley.com
- **Sara B. Brody**
sbrody@sidley.com,tnewman@sidley.com,jbartlett@sidley.com
- **Mario Man-Lung Choi**
mchoi@kaplanfox.com,kweiland@kaplanfox.com
- **Aviah Cohen Pierson**
acohenpierson@kaplanfox.com
- **Jordan Eth**
jeth@mofo.com,nurbina@mofo.com
- **Frederic S. Fox**
ffox@kaplanfox.com
- **Benjamin Galdston**
beng@blbglaw.com,denab@blbglaw.com,kristid@blbglaw.com,ranaew@blbglaw.com
- **Michael M. Goldberg**
mmgoldberg@glancylaw.com,csadler@glancylaw.com,info@glancylaw.com,rprongay@glancylaw.com
- **Eli Greenstein**
egreenstein@ktmc.com
- **Donald R Hall**
dhall@kaplanfox.com
- **Dennis J. Herman**
dennish@rgrdlaw.com,khuang@rgrdlaw.com,e_file_sd@rgrdlaw.com,triciam@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Stephen D. Hibbard**
shibbard@shearman.com,rcheatham@shearman.com
- **Robert N. Kaplan**
rkaplan@kaplanfox.com
- **Stacey Marie Kaplan**
skaplan@ktmc.com
- **Reed R. Kathrein**
reed@hbsslaw.com,peterb@hbsslaw.com,pashad@hbsslaw.com,sf_filings@hbsslaw.com
- **Mark P. Kindall**
firm@izardnobel.com,mkindall@izardnobel.com

- **Laurence D. King**
lking@kaplanfox.com,kweiland@kaplanfox.com
- **Angela Elaine Kleine**
akleine@mofo.com
- **Joy Ann Kruse**
jakruse@lchb.com
- **Nicole Catherine Lavallee**
nlavallee@bermandevalerio.com,ysoboleva@bermandevalerio.com
- **Judson Earle Lobdell**
jlobdell@mofo.com,mblackmer@mofo.com
- **Tricia Lynn McCormick**
triciam@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Kim Elaine Miller**
kimmiller225@yahoo.com,kim.miller@ksfcounsel.com
- **Erik David Peterson**
epeterson@ktmc.com,dcheck@ktmc.com,arobles@ktmc.com
- **Aviah Cohen Pierson**
acohenpierson@kaplanfox.com
- **Darren Jay Robbins**
e_file_sd@rgrdlaw.com
- **David Ronald Stickney**
davids@blbglaw.com
- **Joel B. Strauss**
jstrauss@kaplanfox.com
- **Sean Travis Strauss**
invalidaddress@invalidaddress.com,sstrauss@steinlubin.com
- **Joseph J. Tabacco , Jr**
jtabacco@bermandevalerio.com,ysoboleva@bermandevalerio.com
- **David Conrad Walton**
davew@rgrdlaw.com
- **Shawn A. Williams**
shawnw@rgrdlaw.com,khuang@rgrdlaw.com,e_file_sd@rgrdlaw.com,e_file_sf@rgrdlaw.com
- **Laurence Reza Wrathall**
laurence.wrathall@blbglaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Christine M. Fox
Kaplan Fox & Kilsheimer LLP
850 Third Avenue

14th Floor
New York, NY 10022

Catherine J. Kowalewski
Robbins Geller Rudman & Dowd LLP
655 W Broadway
Suite 1900
San Diego, CA 92101